



# The Planning Inspectorate

**APP/Q4245/W/22/3306715 – World of Pets, Thorley Lane,  
Timperley WA15 7PJ**

**10:00 – Tuesday 8 November 2022**

*Outline planning application for up to 116no. residential dwellings with all matters reserved aside from access, for which detailed consent is sought*

## **CASE MANAGEMENT CONFERENCE SUMMARY NOTE**

### **Introduction**

1. This note summarises the Case Management Conference (CMC) held on Tuesday 8 November 2022.
2. The CMC was led by Graham Chamberlain BA(Hons) MSc MRTPI, the appointed Inspector.
3. The purpose of the CMC was to set out matters relating to the ongoing management of the appeal and the presentation of evidence, so that the Inquiry is conducted in an efficient and effective manner.
4. There was no discussion on the merits of the case at the CMC and no evidence was heard.
5. It is requested that this note is placed on the Council's website, so it is available for interested parties to see.

### **Sitting Dates and Location**

6. The Inquiry is scheduled to open at 10:00 on 10 January 2023. It will resume on subsequent days at 09:30.
7. It will be an in-person event held in the Council Chamber.
8. It is currently programmed to sit until early/mid-afternoon on the 13 January 2023.
9. It was agreed that the duration of the programme is likely to be sufficient.
10. That said, I will reserve 17-19 January 2023 in case additional sitting days are required. It will become clearer at the Inquiry whether it will be necessary to use them.
11. It may be that only one day is necessary and that it is used to discuss conditions, planning obligations and for closings. If that is the case, then the session would be run virtually.
12. If the reserve days are used, then the Council will need to host the Inquiry, be it in person or virtually.

### **Scope of the Application and Main Issues**

13. It was confirmed that the application is submitted in outline with all details reserved for future consideration save for access. That said, the appellant

will seek to detail maximum building heights to help frame the presentation of evidence on the first main issue. Therefore, some details of scale will be before me.

14. After discussions at the CMC, and based on the submissions currently before me, the main issues (MI) are considered to be as follows:
  1. *Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;*
  2. *Whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan and the accessibility of services and facilities;*
  3. *Whether the proposal would make adequate provision for affordable housing and a net gain in biodiversity;*
  4. *Whether the proposal would provide adequate infrastructure, with particular reference to education, on site play space, pedestrian access improvements and EV charging*
  5. *If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.*
15. The Council and appellant are hoping to reach common ground on the MI3 and MI4 through a planning obligation.
16. I requested further information on flooding. This is to be provided with the proofs. I will give an indication before the Inquiry opens whether I wish to hear further evidence on this point.
17. The Inquiry will also look at other matters raised by consultees and interested parties.
18. The appellant is intending to submit an appendix to the planning proof addressing such matters and a witness will be called at the inquiry.
19. Some of the concerns of interested parties may also be addressed in the Statement of Common Ground (SOCG).
20. It is essential that both the Council and appellant continue to effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry.

### **Dealing with the Evidence**

21. The following matters will be addressed through the formal presentation of cases with opportunities for cross and re-examination.
  - Whether the proposal would be inappropriate development and the effect on the openness and purposes of the Green Belt (MI1)
  - The appropriateness of the location with reference to the spatial strategy in the development plan, the accessibility of services and facilities and other considerations advanced as part of a case for very special circumstances (MI2 and MI5).
  - The concerns of interested parties not previously addressed, including highway safety.
22. At this stage, I am anticipating dealing with MI4 and MI5 as a round table discussion. The round table discussion may also deal with flooding and five-

year housing land supply if the point in dispute relates to the deliverability of specific sites (as opposed to the methodology for calculating the supply).

### **Running Order**

23. The Inquiry will begin with my opening comments.
24. I will then invite opening statements to set the scene (up to 15 minutes), from the appellant followed by the Council.
25. The Council will then present its case. The intention at this stage is to call two witnesses.
26. Each witness will be able to present their evidence in chief. I will have read the Proofs, so this need not be especially detailed.
27. There will then be an opportunity for cross examination by the other party.
28. Following this, there may be questions or submissions from interested parties that take a contrary view to the witness.
29. There will then be an opportunity for re-examination by the witnesses' advocate.
30. I will then hear from interested parties that are concerned by the proposal. The appellant may wish to deal with points immediately or address them as part of their presentation of case.
31. That said, I may hear from interested parties after the openings if they wish to speak but can only attend the first day/morning. My preference, however, will be for interested parties to engage after the Council has presented its case to avoid repetition.
32. The appellant will then present their case, which will also be subject to cross and re-examination. I understand that the appellant intends to call three witnesses, one of which will address the concerns of interested parties not otherwise raised by the Council.
33. Once the cases have been presented, I will lead the usual round table sessions on conditions, any planning obligation and possibly five-year housing land supply and flooding.
34. There will then be an opportunity for closing submissions. The Council first, then the appellant (copies in writing where possible please).
35. The closing should ideally be no longer than 30 minutes and should simply set out the respective cases as they stand at the end of the Inquiry and should be fully cross referenced.
36. I will endeavour to circulate a draft timetable setting out the running order before the Inquiry opens. I will do this once I have final time estimates from the advocates.
37. Other than in exceptional circumstances, the advocates are expected to take no longer than the timings indicated. This will require the cooperation of both advocates and witnesses.

### **Conditions, Planning Obligation and Costs**

38. An agreed schedule of suggested planning conditions, and the reasons for them, must be submitted at the same time as the proofs if not before. Ideally, they will be included in the SOCG and presented in Microsoft Word.
39. The Council should take the lead on preparing the list, in discussion with the appellant.

40. The Council and appellant will need to pay careful attention to the wording, and the conditions will need to be properly justified having regard to the tests for conditions in the National Planning Policy Framework.
41. Any difference of opinion relating to the suggested conditions, including alternative wording, should be highlighted in the schedule with a brief explanation given.
42. The Council must provide a 'Justification Statement' for each of the obligations it is seeking, ideally in the form of a table.
43. This should explain why each of the obligations being sought is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
44. This could be appended to the SOCG if agreed and must be submitted by the 13 December 2022.
45. It would be helpful if I am presented with an early draft of the planning obligation as soon as possible, with a final draft to be submitted by the 20 December 2022.
46. I will subsequently need to be provided with a certified copy of the final draft.
47. A short time will be allowed after the Inquiry for the submission of a signed and executed version. At this stage, I am anticipating this being one week.
48. Neither the Council nor appellant indicated at this stage that they intend to make an application for an award of costs.
49. The Planning Practice Guide is clear that it is good practice to submit applications in writing before the Inquiry opens.

### **Content of the Statement of Common Ground**

50. A signed Statement of Common ground was not submitted with the Council's Statement of Case as required by the rules. However, a draft is currently being circulated and should be submitted by the 13 December 2022.
51. It was agreed that the SOCG will include the following:
  - A list of the drawings and documents considered by the Council at the application stage.
  - A list of any new drawings and documents submitted with the appeal.
  - A list of any new evidence submitted to the appeal by the Council.
  - A list of suggested planning conditions.
  - A justification statement for any planning obligations ideally in the format of a table.
  - A planning policy update outlining any changes since the Council issued its decision.
  - A list of the main matters agreed and not agree.
  - A summary of the respective parties five-year housing land supply positions, including any points that can be agreed. This is likely to include the extent of any shortfall, perhaps expressed as a range.

### **Core Documents and Inquiry Documents**

52. The Council and appellant will need to discuss and agree a list of core documents in advance of preparing the proofs. This is so they can be properly referenced in the proofs.
53. That list is to be co-ordinated by the appellant and must be submitted with the proofs (by 13 December 2022).
54. Please find attached at Annex 1 a template for the list.

55. The Core Documents should comprise only those documents/extracts to which you will be referring.
56. Only relevant development plan policies should be included.
57. A copy of the National Planning Policy Framework does not need to be included.
58. Any Appeal Decisions and/or legal authorities that are included will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
59. The Core Document list can be electric, but it is important that Interested Parties have access to them. Therefore, they should be uploaded onto the Council's website and interested parties will be provided with a link.
60. Any documents submitted once the Inquiry has opened will be recorded as 'Inquiry Documents' on a separate list overseen by me.
61. The Council will keep the online document list on its website up to date with any new documents.
62. A minimum of two copies of any new documents produced at the Inquiry will be required, one for the other main party and one for me. Extra copies may also be necessary for interested parties.
63. At this stage, neither the Council nor the appellant intend to submit late evidence.

#### **Timetable for submission of documents**

64. The need for rebuttal documents was discussed and considered unlikely. However, there may be a need for rebuttals to deal with five-year housing land supply.
65. The timetable for additional documents is as follows;

13 December 2022	<p>Signed Statement of Common Ground</p> <p>Suggested conditions (Council to lead)</p> <p>Justification statement for any planning obligations (Council to provide)</p> <p>Proofs of Evidence</p> <p>Confirmation of witnesses – name, qualification, how they would like to be addressed at the Inquiry (Ms, Miss, Mrs, Dr, Mr etc...) and job title/organisation.</p> <p>Core Documents List (appellant to lead)</p> <p>Early draft of the Planning Obligation</p>
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20 December 2022	<p>Final time estimates (from advocates)</p> <p>Final draft of the Planning Obligation</p> <p>Copy of the Inquiry notification letter and list of those notified (to be supplied by the Council)</p> <p>Preliminary suggested route for my site visit (from appellant and Council)</p>
23 December 2022	Any rebuttals
10 January 2023	Inquiry opens
One week after the Inquiry closes	Certificated copy of the final planning obligation

## Housekeeping

66. The Council confirmed the following arrangements
- A. The venue is the Council Chamber.
  - B. The venue does not have facilities for interested parties to attend virtually. As a result, I am content for the inquiry to be a wholly in-person event. That said, if there are capacity issues then the Council can live stream the event to another room.
  - C. Documents and material can be left over night in the Council Chamber.
  - D. There will be an audio system.
  - E. There will be hearing loops.
  - F. The Council will provide admin/technical/IT support.
  - G. There will be photocopying facilities.
  - H. There will be WIFI.
  - I. A parking space will be reserved for me for each day. It would be helpful if a plan could be provided detailing where this will be.
  - J. A member of staff will be on hand to meet me at around 9am on the first day of the Inquiry to address any questions I have about arrangements/room layout<sup>1</sup>.

<sup>1</sup> Please refer to these documents for further guidance on the room layout

- <https://www.gov.uk/government/publications/setting-up-a-venue-for-a-public-inquiry-hearing-or-examination/public-inquiries-hearings-and-examinations-venue-and-facilities-requirements>  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/989247/Suggested\\_layout\\_of\\_a\\_room.JPG](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989247/Suggested_layout_of_a_room.JPG)

**Other Matters**

67. The Council will send PINS a copy of the letter notifying parties of the date, time and venue of the Inquiry by the 20 December 2022.
68. Please send me as soon as possible a list of the names and job title of the witnesses, how they would like to be addressed during proceedings (e.g. Ms, Mrs, Miss, Dr etc...) and any qualifications they would like recorded.
69. The advocates were confirmed as Mr David Manley KC, for the appellant, and Ms Stephanie Hall, of counsel, for the Local Authority.
70. There will be no general attendance list circulated at the Inquiry. However, I will ask those appearing/speaking to fill in an attendance form if I do not already have their details.
71. At this stage, I am minded to visit the site on an 'Access Required' basis. This is where I visit the site alone and the appellant arranges access. I will keep this under review. I would be grateful if the parties could provide a route/itinerary of what they would like me to view. At this stage I am aiming to visit the site on the Friday afternoon (13 January 2023).



INSPECTOR

8 November 2022

**ANNEX A – EXAMPLE TEMPLATE FOR CORE DOCUMENTS LIST**

(adapt headings to suit)

CD1 Application Documents and Plans

1.1

1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions\*

6.1

6.2

CD7 Relevant Judgements\*

7.1

7.2

CD8 Other

8.1

8.2

Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.